

REGULAR

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SEPTEMBER 2010

3:30 P.M., Ohio County Community Center, Hartford, Ky

Meeting called to order by Judge Executive David Jones. Prayer by Magistrate Jason Bullock. Pledge to the American flag.

Those present were as follows:

David G. Jones	Judge Executive
Gregory B. Hill	County Attorney
Cheryl Morris	Fiscal Court Clerk
Hayward D. Minton	Magistrate District 1
Jason Bullock	Magistrate District 2
Richard Robinson	Absent
Larry Keown	Magistrate District 4
Bill Burden	Magistrate District 5

Motion made by Esq. Burden that the Court approve the minutes of the regular meeting on August 17, 2010 as presented (on file in Fiscal Court Order Book, Clerk’s office):

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Absent
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the bills, claims, payments and transfers as presented (copy on file, Clerk’s office).

The motion was seconded by Esq. Bullock and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Absent
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court approve the Treasurer’s Financial Statement for the month of August 2010 as presented (copy on file, Clerk’s office).

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Absent
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

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SEPTEMBER 2010

Motion made by Esq. Keown that the Court approve the first reading of Ordinance No. 2011-3: AN ORDINANCE ADOPTING GENERAL AD VALOREM TAX RATES PER \$100 ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE JURISDICTION FOR OHIO COUNTY GENERAL FUND FOR CALENDAR YEAR 2010.

The motion was seconded by Esq. Minton and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Absent
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Burden that the Court approve to levy a property tax rate of 6.300 cents per \$100 assessed value upon motor vehicles and watercraft for the calendar year of 2011 (copy of certification attached).

The motion was seconded by Esq. Bullock and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Absent
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the following Resolution regarding the acceptance of CR-1325 Tooth Acres Lane:

RESOLUTION

TOOTH ACRES LANE

OHIO COUNTY FISCAL COURT

- WHEREAS, The Ohio County Fiscal Court has established a County Road and Street Index as defined by Ordinance #91-3; and,
- WHEREAS, On April 13, 2010, CR-1325 – Tooth Acres Lane was officially adopted as a County Road and added to that “Index”, beginning at its intersection with KY Hwy 1414, extending in a northwesterly, then northerly direction for a distance of approximately 0.3 mile; and,
- WHEREAS, Proper easement has been provided to the County from the owner of property lying upon and over the above-mentioned road; and,
- WHEREAS, CR-1325 – Tooth Acres Lane is not identified on the 1996 KY DOT approved map and therefore does not have a state identification number,

NOW, THEREFORE, BE IT RESOLVED BY THE OHIO COUNTY FISCAL COURT, that CR-1325 – Tooth Acres Lane be recognized by the Kentucky Department of Transportation as a County Road with boundaries as defined above with a total maintained distance of approximately 0.3 mile.

IT IS HEREBY ORDERED THIS 7th DAY OF SEPTEMBER 2010.

DAVID JONES
OHIO COUNTY JUDGE EXECUTIVE

ATTEST:

CHERYL MORRIS
FISCAL COURT CLERK

The motion was seconded by Esq. Bullock and after discussion of said motion the vote being called for was as follows:

Minton	No
Bullock	Yes
Robinson	Absent
Keown	Yes
Burden	Yes
Jones	Yes

Said motion having carried four (4) to one (1) it is so ordered.

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Motion made by Judge Jones that the Court approve the following Resolution regarding Republic Services, Inc. requesting the issuance of solid waste refunding revenue bonds:

RESOLUTION REQUESTING THE ISSUANCE OF SOLID WASTE REFUNDING REVENUE BONDS BY THE KENTUCKY ECONOMIC DEVELOPMENT FINANCE AUTHORITY TO REFUND BONDS PREVIOUSLY ISSUED AND CURRENTLY OUTSTANDING

WHEREAS, Republic Services, Inc., a Delaware corporation and its subsidiaries and affiliates (the “*Company*”) has previously financed the acquisition, construction and equipping of an existing landfill known as Ohio County Balefill, Inc., and related equipment, owned by the County of Ohio, Kentucky (the “*County*”) and operated by the Company located at 100 Landfill Lane, Beaver Dam, Ohio County, Kentucky (the “*Project*”); and

WHEREAS, the Kentucky Economic Development Finance Authority (the “*Issuer*”) is an agency of the Commonwealth of Kentucky (the “*Commonwealth*”) and is authorized under the provisions of Sections 154.10-035(2) and 154.20-035(1) of the Kentucky Revised Statutes and Sections 103.200 through 103.285 of the Kentucky Revised Statutes (the “*Act*”), if requested by the legislative body of a city or the fiscal court of a county, to issue revenue bonds and to loan the proceeds thereof to any person for the purpose of defraying the cost of developing any industrial sites, including land costs and the costs of site improvements thereon, and including any facilities or structures incidental to the use of such sites for industrial use in order to promote the economic development of the Commonwealth and to encourage the increase of industry therein; and

WHEREAS, the Fiscal Court of the County of Ohio (the “*Fiscal Court*”) on behalf of the County previously a adopted referral resolution on December 4, 2007, requesting that the Issuer on behalf of the County issue revenue bonds pursuant to the Act with respect to the Project; and

WHEREAS, pursuant to such requests and the requests of other counties in the Commonwealth, the Issuer has previously issued on behalf of the County and other counties in the Commonwealth, the Issuer’s \$18,025,000 original principal amount of Variable/Fixed Rate Demand Solid Waste Disposal Revenue Bonds (Republic Services, Inc. Project) Series 2008 (the “*Prior Bonds*”) and loaned the proceeds thereof to the Company to finance the acquisition, construction, improvement and equipping of the Project and other similar projects of the Company in the Commonwealth; and

WHEREAS, the Company has requested that the Issuer issue solid waste refunding revenue bonds in an amount not to exceed \$46,445,000 (the “*Bonds*”) to refund the Prior Bonds and other bonds of the Issuer outstanding on behalf of the Company; and

WHEREAS, the Issuer, pursuant to the Act, has agreed to issue the Bonds, provided, among other things, that the County request the Issuer to issue the Bonds pursuant to the Act to refinance the Project; and

WHEREAS, this Fiscal Court has found and determined that the issuance of the Bonds for such purposes will tend to promote the economic development of the Commonwealth and encourage the increase of industry therein; and

WHEREAS, this Fiscal Court desires to request that the Issuer issue the Bonds in an amount not to exceed \$46,445,000 to refund the Prior Bonds and other bonds of the Issuer outstanding on behalf of the Company;

NOW THEREFORE Be It and It is Hereby Resolved by the Fiscal Court of the County of Ohio, as follows:

Section 1. The County hereby requests the Kentucky Economic Development Finance Authority to issue Bonds on behalf of the County to refund the Prior Bonds of the Issuer. The County will not incur any liability or obligation with regards to the Bonds.

Section 2. Based on information supplied by the Company or one of its affiliates, the maximum principal amount of the Bonds expected to be issued to refund the Prior Bonds and other bonds of the Issuer outstanding on behalf of the Company is Forty-Six Million Four Hundred Forty-Five Thousand Dollars (\$46,445,000).

Section 3. All actions of the officers, agents and employees of the County that are in conformity with the purposes and intent of this Resolution, whether taken before or after the adoption hereof, are hereby ratified, confirmed and adopted.

Section 4. This Resolution shall be in full force and effect immediately upon its adoption.

Adopted September 7, 2010.

Upon roll call vote:

AYES: Judge Executive David Jones; Magistrate Hayward Dean Minton;
Magistrate Jason Bullock; Magistrate Larry Keown; Magistrate Bill Burden

NAYS: None

ABSENT: Magistrate Richard Robinson

Approved September 7, 2010.

Ohio County Judge Executive

Attest:

Ohio County Fiscal Court Clerk

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The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Absent
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Burden that the Court approve to accept the low bid from Black Construction in the amount of \$45,750 for the expansion project at the Ohio County Animal Shelter.

Motion by Esq. Burden is withdrawn.

Motion made by Esq. Keown that the Court approve to purchase a new ambulance with the understanding from the vendor that funding from the LGEA budget to pay for the ambulance will not be available until after November 1, 2010.

The motion was seconded by Esq. Bullock and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Absent
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Burden that the Court approve to accept the low bid from Black Construction in the amount of \$45,750 for the expansion project at the Ohio County Animal Shelter, pending the availability of a loan with which to fund the project, authorize the County Treasurer to seek loan funding, and authorize the Judge Executive to sign the necessary paperwork to secure the loan.

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Absent
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court approve Sheriff Doolin’s 2009 Unmined Coal Settlement as presented, subject to the state audit (copy attached).

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Absent
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the necessary paperwork for a grant application to obtain a generator with the understanding that the County is responsible for providing 13% of the total grant amount which is \$14,683.

The motion was seconded by Esq. Minton and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Absent
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court approve the first reading of Ordinance No. 2011-4: AN ORDINANCE PROVIDING FOR THE COLLECTION AND DISPOSITION OF FEES BY AND PAYMENT OF COSTS OF THE OFFICES OF SHERIFF AND COUNTY CLERK WITHIN OHIO COUNTY, KENTUCKY.

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The motion was seconded by Judge Jones and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Absent
Keown	No
Burden	Yes
Jones	Yes

Said motion having carried four (4) to one (1) it is so ordered.

Motion made by Judge Jones that the Court approve to have John L. Worth Insurance Agency develop a Medical Reimbursement Plan as established by IRS Tax Code Section 105 and to meet the compliance required by other government agencies such as the Department of Labor and the Employee Retirement Income Security Act.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Absent
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve to authorize the Judge Executive to contact Steve Geary regarding his failure to pay the county \$52,000 for the purchase of the old Ambulance Service building.

The motion was seconded by Esq. Minton and after discussion of said motion the vote being called for was as follows:

Motion by Esq. Keown and second by Esq. Minton were withdrawn.

Motion made by Esq. Minton that the Court approve the quote from the Ohio County Water District to add a waterline on Stone Ridge Lane in the amount of \$11,810.

The motion was seconded by Esq. Bullock and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Absent
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Recommendation by Judge Jones that the Court approve the appointment of Matthew Canty as the Restaurant representative on the Ohio County Tourism Board to fill the term to expire 5/1/2012 due to the resignation of Vince Tanner.

Roll call vote:

Minton	Yes
Bullock	Yes
Robinson	Absent
Keown	Yes
Burden	Yes
Jones	Yes

And said recommendation was unanimously approved, and it is so ordered.

Motion made by Esq. Keown that the Court approve to authorize the Treasurer to pay expenses presented by the Jerusalem Ridge Foundation for a computer, event insurance, and relocation of old schoolhouse, with the total of those expenses paid by the county not to exceed \$24,853.30.

The motion was seconded by Judge Jones and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Absent
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

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Motion made by Esq. Minton that the meeting is adjourned.

The motion was seconded by Judge Jones and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Absent
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Meeting is adjourned.

David Jones, Judge Executive

Cheryl Morris, Fiscal Court Clerk